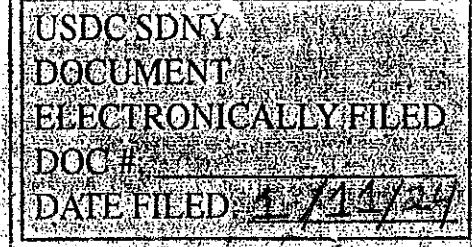


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: ENFORCEMENT OF PHILIPPINE
FORFEITURE JUDGMENT AGAINST ALL
ASSETS OF ARELMA, S.A. etc
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ORDER

LEWIS A. KAPLAN, *District Judge*.

In a thorough report and recommendation dated October 3, 2023 (the “R&R”), Magistrate Judge Gabriel W. Gorenstein recommended that (1) the government’s motions to dismiss Roxas as a respondent on the ground that he lacks standing and for partial summary judgment dismissing the defenses pled by Roxas and Duran all be granted, and (2) Duran’s cross motion for summary judgment dismissing the application be denied. Roxas and Duran object to the recommendation that the government’s motions be granted.

a. Roxas’ objections to the R&R’s recommendation that he be dismissed as a respondent for lack of standing (Dkt 263) are overruled, substantially on the grounds set out by the government at pages 3 through 12 of its response (Dkt 266).

b. Roxas’ objections to so much of the R&R as recommended that the Court grant partial summary judgment dismissing certain defenses asserted by Roxas (Dkt 263) are overruled as moot in light of his lack of standing. Duran’s objections to the recommendation that certain of his defenses be dismissed (Dkt 265) are overruled largely for the reasons articulated by the government. The Court, however, finds it unnecessary to resolve the question whether U.S. or Philippines due process principles apply for purposes of 28 U.S.C. § 2467(d)(1)(C) because the result here would be the same even if U.S. principles governed. That is so for the reasons stated by the government in its response to the objections (Dkt 267) at pages 3-6.

c. The objections of both Roxas and Duran to the recommendation that the government’s motion for partial summary judgment be granted are overruled.

Accordingly,

1. The government’s motion to dismiss the Estate of Roger Roxas as a respondent (Dkt 188) is granted.

2. The government’s motion for summary judgment dismissing all pled affirmative defenses in this case, and for summary judgment enforcing the Philippine forfeiture judgment and ending this case (Dkt 193) is granted. Pursuant to 28 U.S.C. §§ 2467(c)(1) and (d)(1), the Philippine forfeiture judgment against the Arelda Assets (Dkt. 1-1, Ex. 1) is ENFORCED “as

if the judgment had been entered by a court of the United States.” 28 U.S.C. § 2467(c)(1). The Clerk shall close the case.

3. Duran’s cross-motion for summary judgment (Dkt 222) is denied.

SO ORDERED.

Dated: January 11, 2024



Lewis A. Kaplan
United States District Judge